

ENTERED

September 18, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JULIO E. LOZA,

Plaintiff,

VS.

SELECT PORTFOLIO SERVICING, INC.,
et al,

Defendants.

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CIVIL ACTION NO. 7:17-CV-430

MINUTE ENTRY

Now before the Court are two letters from pro se Plaintiff Julio E. Loza relating to the Court's recent dismissal without prejudice of Plaintiff's claims against remaining Defendant Power Default Services, Inc. ("Power Default"). (Dkt. Nos. 47, 48; *see* Dkt. No. 46). In an Order dated July 24, 2020, the Court gave notice to Plaintiff of its "intent to dismiss without prejudice Plaintiff's claims against Power Default unless Plaintiff can show, within 14 days of the date of this Order, good cause for his failure to timely serve this Defendant." (Dkt. No. 45). On August 24, 2020, having received no response to its show cause Order, the Court dismissed without prejudice Plaintiff's claims against Power Default for failure to serve this Defendant within the time period prescribed by the Federal Rules. (Dkt. No. 46). In his first letter docketed a few days later, on August 27, 2020, Plaintiff explained that due to the restrictions and risks imposed by the COVID-19 pandemic, he had only recently checked his P.O. Box and received the Court's show cause Order on August 22, 2020, and that he intended to respond to it within 14 days. (Dkt. No. 47). In his second letter docketed on September 4, 2020, Plaintiff asked the Court to consider that he mailed the first letter on August 23, 2020, and therefore before the Court's dismissal Order. (Dkt. No. 47; *see* Dkt. No. 46). Even if the 14-day clock did not begin

to run until August 22, 2020,¹ and regardless of whether Plaintiff's first letter is considered docketed as of August 23, 2020, Plaintiff has yet to attempt to show good cause (or any cause) for his failure to timely serve Power Default. Therefore, Plaintiff is advised that his letters do not constitute a basis for the Court to reconsider the dismissal without prejudice of Plaintiff's claims against Power Default.

SO ORDERED this 18th day of September, 2020, at McAllen, Texas.

A handwritten signature in black ink that reads "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" is also large and loops around the "r". The "e" is written as a simple horizontal stroke.

Randy Crane
United States District Judge

¹ In such case, Plaintiff's response would have been due by September 8, 2020.